

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JAMES NATHANIEL WATTS, #11166-025,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 24-cv-01436-JPG</b>
	)	
<b>USA,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This civil case was opened when James Nathaniel Watts filed a Motion for Return of Property in Criminal Case No. 14-40063-JPG. Plaintiff sought return of \$365 seized from his pocket and a cell phone seized from his mother when he was arrested. (Docs. 1 and 2). This case is subject to the Prison Litigation Reform Act, which includes procedures for prepaying the filing fee (or filing an application to pay it in installments) and preliminary merits review.

At the time of case opening on June 4, 2024, the Court entered a Notice and Order requiring Plaintiff to either prepay the \$405.00 filing fee or file a Motion for Leave to Proceed *in forma pauperis* (IFP motion) within 30 days (on or before July 5, 2024). The Court also entered a Notice requiring Plaintiff to file a signed Consent/Non-Consent to Proceed Before Magistrate Judge Jurisdiction Form within 21 days (on or before June 25, 2024). Plaintiff was warned that failure to comply with these deadlines could result in sanctions that include dismissal. (Docs. 3 and 4).

Plaintiff missed the deadline for filing his Consent/Non-Consent, and the Court entered an Order extending it by 7 days (to July 2, 2024). Plaintiff also missed the extended deadline. In

addition, he failed to prepay the full filing fee or file an IFP motion, and he did not request an extension of any deadline.

On July 11, 2024, the Court entered the following Notice of Impending Dismissal:

NOTICE OF IMPENDING DISMISSAL: On June 4, 2024, Plaintiff was ORDERED to submit a signed Notice and Consent/Non-Consent to Proceed Before A Magistrate Judge Jurisdiction Form: Pursuant to Administrative Order No. 257 within 21 days (Doc. 3) and either pay the \$405.00 filing fee or file a motion for leave to proceed in forma pauperis (IFP motion) within 30 days (Doc. 4). He was warned that failure to do so would result in sanctions that may include dismissal of the case. (Docs. 4 and 5). The original and extended deadlines have expired, and Plaintiff has not complied with the Court's Orders or requested additional time to do so. Plaintiff is WARNED that this case will be dismissed without prejudice for noncompliance with the Court's Orders at Docs. 3, 4, and 5, if he does not submit the signed Notice and Consent/Non-Consent and either prepay the full \$405.00 filing fee or file an IFP motion by AUGUST 1, 2024. The Court DEFERS preliminary review of the Complaint (Doc. 1) until Plaintiff complies with this Order.

(Doc. 6). Pursuant to this Order, Plaintiff was given one final opportunity to do the following by August 1, 2024: (a) prepay the \$405.00 filing fee or file an IFP motion; and (b) file a signed Notice and Consent/Non-Consent to Proceed Before Magistrate Judge Jurisdiction Form. *Id.* He was again warned that the case would be dismissed for noncompliance with the Court's Orders at Docs. 3, 4, and 5 after the deadline expired. *Id.* (citing FED. R. CIV. P. 41).

All deadlines have expired, including extended deadlines, and Plaintiff has taken no steps to move this matter forward. To date, he has not paid the filing fee, filed an IFP motion, or submitted a Consent/Non-Consent. He has also disregarded the notice of impending dismissal.

This action is therefore **DISMISSED** without prejudice for failure to comply with Orders of this Court and for want of prosecution. FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall **NOT** count as a "strike" under 28 U.S.C. § 1915(g).

Plaintiff's obligation to pay the filing fee for this action was incurred at the time the case was opened, so the fee of \$405.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v.*

*Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). However, the Clerk's Office will make no attempt to collect filing fee payments from Plaintiff at this time.

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: 8/13/2024**

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**United States District Judge**